



Ct. 12.

Motion to dismiss

Filed Oct. 14, 1898.

Motion to Dismiss for Lack of Jurisdiction.

Supreme Court of the United States.

No. ¹² 205. OCTOBER TERM, A. D., 1898.

LEWIS PIERCE, ET AL3.

THE SOMERSET RAILWAY.

IN ERROR TO THE SUPREME JUDICIAL COURT OF THE STATE OF MAINE.

Motion to Dismiss for Lack of Jurisdiction.

Supreme Court of the United States.

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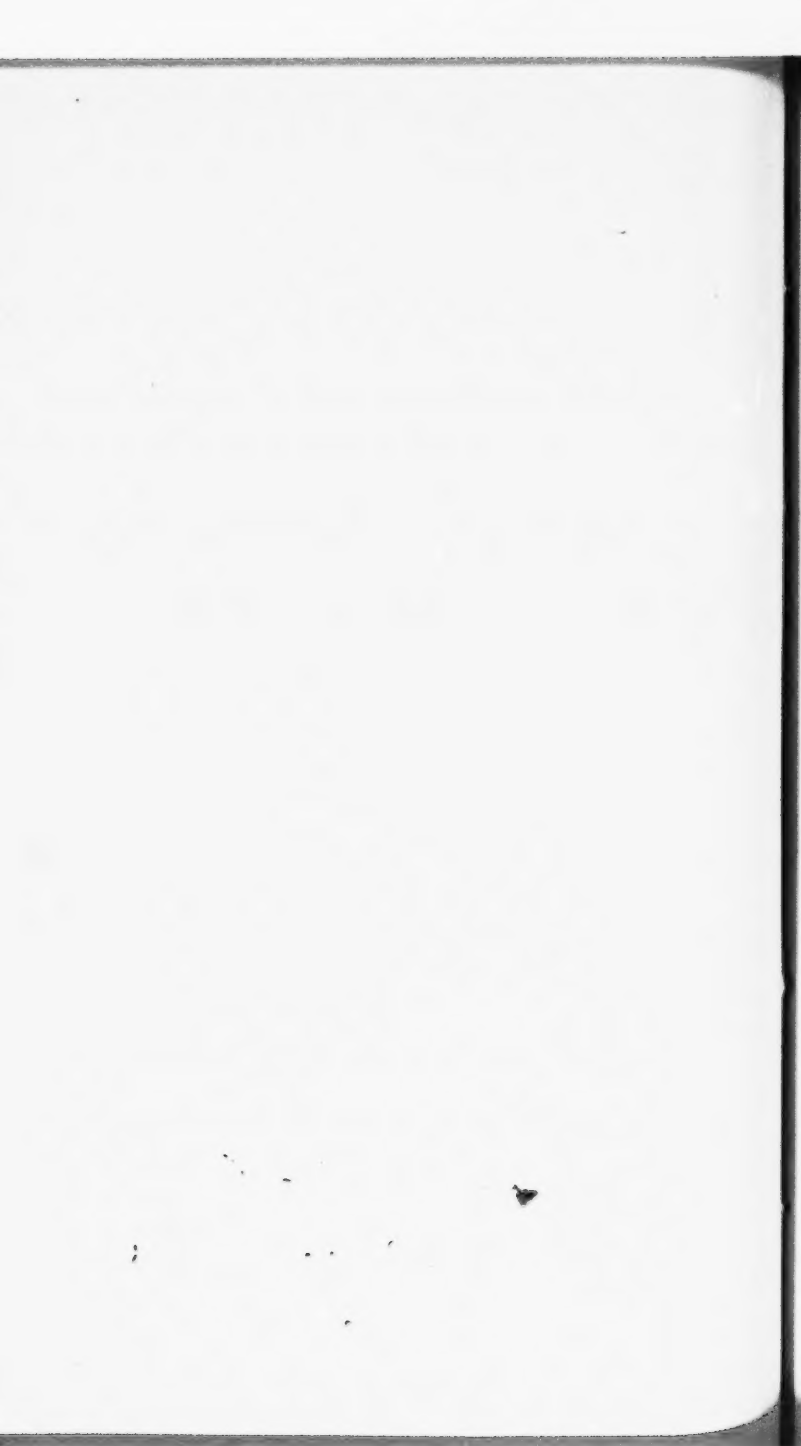
No. 185. OCTOBER TERM, A. D., 1897.

LEWIS PIERCE, ET ALs.

vs.

THE SOMERSET RAILWAY.

IN ERROR TO THE SUPREME JUDICIAL COURT OF THE STATE OF MAINE.



Comes now the Somerset Railway, Defendant in error, in above entitled cause, by Josiah H. Drummond, Joseph W. Symonds, and E. F. Webb, its attorneys, and moves the Court to dismiss the writ of error in this case issued for the reason that this Court is without jurisdiction to interfere with the judgment rendered by the State Court for that:

(a) No federal question is presented by the record.

(b) It affirmatively appears from the record that no federal question was raised in, presented to or considered by, the State Court.

(c) It affirmatively appears from the record that no right of plaintiffs in error created or protected by the Constitution, statutes, or other laws of the United States, was involved in the controversy decided by the State Court.

(d) It affirmatively appears from the record that the decision and judgment complained of involved no more than a construction of a statute of the State of Maine; such decision construing the laws of the State of Maine in relation to the foreclosure of mortgages and organization of corporations in said State.

(e) The judgment and opinion complained of disclose, first, that no federal right or question was by the State Court considered or determined; and, second, that determination of any federal right or question was wholly unnecessary to sustain the judgment rendered.

Subject to the ruling on the foregoing motion, and in event of a holding that jurisdiction lies in this Court, the defendant in error, by its attorneys aforesaid, further moves the Court to affirm the judgment of the State Court for the reason that it is manifest from the record that said writ was sued out and is prosecuted for delay only, and that the question upon which the jurisdiction of this Court is invoked is so frivolous as to need no further argument than a mere statement of the facts established by the record.

EF Webb
J H Drummond
J W Symonds
Attorneys for Defendant in Error.

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N^o. 13.

Motion to Dismiss.

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JAMES H. MCKENNEY,
Clerk.

Supreme Court of the United States.

OCTOBER TERM, A. D., 1898.

No. ~~135~~ 13.

LEWIS PIERCE, HERBERT M. HEATH AND FRANKLIN M.
DREW, TRUSTEES AND MORTGAGEES, PLAINTIFFS IN
ERROR,

vs.

JOHN AYER, WILLIAM M. AYER, A. R. SMALL, HORACE
W. GREELEY, FRANKLIN MERRILL, H. A. BURRILL AND
D. L. FOSTER.

IN ERROR TO THE SUPREME JUDICIAL COURT OF THE STATE OF MAINE.

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No. 185.

LEWIS PIERCE, HERBERT M. HEATH AND FRANKLIN M.
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IN ERROR TO THE SUPREME JUDICIAL COURT OF THE STATE OF MAINE.

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LEWIS PIERCE ET AL. VS. SOMERSET RAILWAY.

Come now John Ayer, William M. Ayer, A. R. Small, Horace W. Greeley, Franklin Merrill, H. A. Burrill and D. L. Foster, defendants in error in above entitled cause, by Josiah H. Drummond, Joseph W. Symonds and Edmund F. Webb, their attorneys, and move the Court to dismiss the writ of error in this case issued, for the reason that this Court is without jurisdiction to interfere with the judgment rendered by the State Court for that:

- (a) No federal question is presented by the record.
- (b) It affirmatively appears from the record that no federal question was raised in, presented to, or considered by, the State Court.
- (c) It affirmatively appears from the record that no right of plaintiffs in error created or protected by the Constitution, statutes, or other laws of the United States, was involved in the controversy decided by the State Court.
- (d) It affirmatively appears from the record that the decision and judgment complained of involved no more than a construction of a statute of the State of Maine, such decision construing the laws of the State of Maine, in relation to the foreclosure of mortgages and organization of corporations in said State.
- (e) The judgment and opinion complained of disclose, first, that no federal right or question was by the State Court considered or determined: and, second, that determination of any federal right or question was wholly unnecessary to sustain the judgment rendered.

Subject to the ruling upon the foregoing motion, and in event of a holding that jurisdiction lies in this Court, the defendants in error, by their attorneys aforesaid, further move the Court to affirm the judgment of the State Court, for the reason that it is manifest from the record that said writ was sued out, and is prosecuted for, delay only, and that the question upon which the jurisdiction of this Court is invoked is so frivolous as to need no further argument than a mere statement of the facts established by the record.

ET Webb
J H Drummond

Attorneys for Defendants in Error.